

REMARKS

Claims 1-8, 26, and 28-31 are pending in the current application. Like claims 9-22, claim 27 has been canceled without prejudice to the underlying subject matter. Claim 23-25 are directed to a non-elected invention and were withdrawn through the telephonic election identified in the Office action. Claim 31 is new. Each of the previously pending claims have been rejected or objected to on one or more grounds, each of which is addressed below. The drawings have also been objected to.

Restriction Requirement

The undersigned traversed the restriction requirement identified in the Office action on the basis that the burden on the examiner to examine groups I and II would not be severe enough to warrant splitting the pending claims apart. Nevertheless, as required by the Rules, a group was elected.

Objection to the Drawings

As to the drawings, amended Figures 6 & 7 are enclosed for consideration and entry into the case. The addition of nozzles 630 and 730 below the conveyor belt 660 and the vibrating plate does not constitute new matter as there is ample support in the application for these modifications. For example, paragraph 93 recognizes that the nozzle 630 may be located throughout the coating chamber 670 “including the top and bottom of the coating chamber.” Paragraph 99 contains a similar teaching as it recognizes that “the location of the coating nozzles 730 and exhaust 720 are not intended to be limiting.” Still further, as-filed claim 7 specifically claims a nozzle that is “positioned beneath the vibrating structure.” Reconsideration of the objection and entry of the enclosed drawings is, therefore, requested.

Objections to the Claims

Claim 27 has been canceled without prejudice to its subject matter.

Claim 30 no longer depends from claim 27; it has also been rewritten. Any alleged basis for the objection should be resolved.

As to claim 29, the undersigned submits that there is ample support in the specification for

the claimed subject matter. For instance, paragraphs 87-96 describe the use of a vibrating conveyor belt 660 within a coating chamber. This conveyor may be made from various materials including a screen or mesh as recognized in paragraph 106. At least based on this disclosure, claim 29 is supported. Reconsideration is, therefore, requested.

Rejections of the Claims

Claims 1, 3-6, 8, and 26 stand rejected as being allegedly anticipated by Alkan. Claim 1 and its dependent claims are patentable over Alkan at least because Alkan fails to disclose or suggest “the vibration source moveable independent of the coating chamber,” as recited in the claim. As can be seen in Alkan, the funnel 1 and bottom sieve 3 are coupled to and integral with one another. Thus, they move together as a unit. At least based on this distinction, reconsideration is requested.

Claim 26 is patentable over Alkan at least because the claim recites “a coating area having an implant entrance and an implant exit.” In Alkan, the funnel 3 has a single opening that is used to both deposit and remove material. By comparison, the claim recites an implant entrance and an implant exit. Based at least on this distinction, the claim is patentably distinct. Claim 2 stands rejected as being allegedly unpatentable over Alkan in view of Holt. As Holt also fails to disclose or suggest the “the vibration source moveable independent of the coating chamber,” as recited in claim 1, claim 2 is patentable as well. Moreover, because of this shortcoming, there is no need to discuss the impropriety of combining these references.

Claims 1 and 3 stand rejected as being allegedly anticipated by Garner. The undersigned submits that Garner is not prior art as it regards powder filling an electrical telecommunication cable; not an apparatus for coating a medical device as in claims 1 and 3. The powder filling of a continuous electrical cable is different than the coating of a discrete medical device. For one, Garner teaches that the cable should not leave the vibrating member for fear of damaging the cable, see col. 3 at 62-66. By comparison, the medical devices are to be vibrated so that they will become suspended above the vibration source. Clearly, Garner cannot be thought to address the claimed medical device coating apparatus.

Claims 26 and 28 are patentable over McKinley at least because McKinley, which is directed to mining technology, is also not prior art. Moreover, even if it were, McKinley fails to

disclose or suggest “a source of therapeutic coating having an exit point in fluid communication with the coating area.” Based at least on both of these distinctions, claims 26 and 28 are patentable over McKinley.

Claim 30 is patentable over McKinley and Opalski at least because both references do not disclose or suggest the implant entrance and exit recited in claim 26. Moreover, based at least on this short coming, there is not need to address the impropriety of combining these references.

Claim 7 is patentable over the cited references at least based upon its dependency from claim 1. As with the above, because of this shortcoming, there is no need to address the impropriety of combining the cited references.

CONCLUSION

Reconsideration is requested in light of the proceeding remarks.

The Commissioner is authorized to charge any fees and credit any overpayments associated with this filing to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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